

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**BRYANT, et al.**

Examiner: R. Anderson

Art Unit: 1626

Application No.: 10/758,893

Filed: January 15, 2004

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**RESPONSE TO RESTRICTION REQUIREMENT**

In reply to the Office Action dated July 22, 2004 ("the Action"), Applicants respectfully request reconsideration of the election/restriction requirement in view of the following remarks. Filed concurrently herewith is a Petition for Extension of Time pursuant to 37 CFR §1.136(a) for four (4) months.

**Discussion of Election/Restriction Requirement Pursuant to 35 U.S.C. § 121**

The Action requires Applicants to select one of four groups of claims each of which allegedly constitutes a patentably distinct invention. The Office Action alleges that "the Markush group set forth in the claims includes both independent and distinct inventions, and patentable distinct compounds (or species) within each invention" (Action at 2). The Action also requires Applicants to elect a single species within the elected group as a starting point for a prior art search. For the reasons detailed below, Applicants respectfully traverse this election/restriction requirement.